

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANDRAE LINZY,  
#2751783

Plaintiff,

vs.

RIKER'S ISLAND CORRECTIONAL  
FACILITY, *et al.*,

Defendants.

2:10-cv-01351-KJD-RJJ

**ORDER**

Plaintiff is in the custody of the Clark County Detention Center and is proceeding *pro se* with a civil rights action. He has not paid the filing fee nor has he requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

Plaintiff brings this action against Riker's Island Correctional Facility in New York, New Canaan, Connecticut Police Department, the State of New York and the State of Connecticut, seeking damages for alleged civil rights violations related to an allegedly improper extradition.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions

1 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is  
2 situated, or (3) a judicial district in which any defendant may be found, if there is no district in which  
3 the action may otherwise be brought.” 28 U.S.C. § 1391(b).

4 In this case, none of the defendants reside in the District of Nevada, and the main  
5 defendant appears to Riker’s Island Correctional Facility and/or the State of New York. The events  
6 giving rise to the claims appear to have occurred in East Elmhurst, New York and possibly Connecticut.  
7 Therefore, plaintiff’s complaint should have been filed in a United States District Court for the Eastern  
8 District of New York. In the interests of justice, a federal court may transfer a complaint filed in the  
9 wrong district to the correct district. *See* 28 U.S.C. § 1406(a); *Starnes v. McGuire*, 512 F.2d 918, 932  
10 (D.C. Cir. 1974).

11 **IT IS THEREFORE ORDERED** that this matter is transferred to the United States  
12 District Court for the Eastern District of New York.

13 DATED this 15th day of November, 2010.

14  
15  
16   
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26